

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

23 DEC -6 P 3 :49

SENATE

RECEIVED BY: _____

S. No. 2508

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
STRENGTHENING AND RATIONALIZING THE REGULATORY CAPACITY OF
THE BUREAU OF QUARANTINE (BOQ), RENAMING IT TO PHILIPPINE
QUARANTINE AUTHORITY (PQA), REPEALING REPUBLIC ACT 9271 (RA
9271), AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The COVID-19 pandemic has underscored the critical importance of a robust and adaptive public health infrastructure. As we continue to grapple with the repercussions of the global health crisis, it becomes evident that the existing mechanisms for managing outbreaks and epidemics in the Philippines require reinforcement and modernization. In response to these pressing challenges, this bill seeks to transform the Bureau of Quarantine into the Philippine Quarantine Authority (PQA) and restore the military ranks to its officials to fortify their authority in dealing with outbreaks and public health emergencies.

The proposed conversion to the PQA is grounded in the recognition of the need for a certain level of coercive authority to effectively manage and mitigate the impact of outbreaks and public health emergencies. By returning military ranks to quarantine officials, the PQA will be empowered to act swiftly and decisively, ensuring the immediate implementation of quarantine measures and the enforcement of public health protocols.

The bill acknowledges the valuable lessons learned from the COVID-19 pandemic, particularly the importance of managing the ingress and egress of

individuals and goods to prevent the entry and spread of potential health hazards. The PQA will play a pivotal role in safeguarding the nation by implementing rigorous quarantine measures, thereby minimizing the risk of infectious diseases entering the country.

The creation of the PQA is complementary to the Center for Disease Control (CDC) Act. While the CDC focuses on research activities, the PQA will serve as the regulatory and implementing agency responsible for executing and enforcing these regulations on the ground. This synergy ensures a comprehensive and coordinated approach to public health management, aligning research efforts with practical measures for effective disease prevention and control.

In conclusion, the conversion of the Bureau of Quarantine into the Philippine Quarantine Authority (PQA) is a crucial step towards building a resilient public health infrastructure. By learning from the challenges posed by the COVID-19 pandemic, this bill seeks to equip the country with the necessary tools and authority to effectively manage outbreaks and epidemics, protecting the health and well-being of our citizens.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

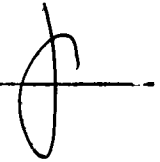

MANUEL "LITO" M. LAPID
Senator 

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1 **AN ACT**
2 **STRENGTHENING AND RATIONALIZING THE REGULATORY CAPACITY OF**
3 **THE BUREAU OF QUARANTINE (BOQ), RENAMING IT TO PHILIPPINE**
4 **QUARANTINE AUTHORITY (PQA), REPEALING REPUBLIC ACT 9271 (RA**
5 **9271), AND APPROPRIATING FUNDS THEREFOR**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

6 **SECTION 1. Title.** - This Act shall be known as the "Philippine Quarantine
7 Authority Act of 2023".

8 **SECTION 2. Change of Name.** - The Bureau of Quarantine is hereby renamed
9 as the Philippine Quarantine Authority (PQA).

10 **SECTION 3. Declaration of Policy.** - It is the declared policy of the State to
11 improve the delivery of health care services to the people, and to protect the people
12 from public health threats during public health emergencies through the efficient and
13 effective response system for emerging and re-emerging infectious diseases, diseases
14 for elimination and eradication, epidemics, and health events, including chemical,
15 biological, radio-nuclear and environmental agents of public health concern. Pursuant
16 to this policy, the State must enhance the regulatory policy to strengthen its capability
17 with regard to the inspection, surveillance, apprehension, and detention of any public
18 health threats.

1 **SECTION 4.** *Reinstitution of Military Rank of Commissioned Officers of the*
2 *PQA.* - The Director General shall have the rank of Rear Admiral or higher and all
3 quarantine medical officers, including other allied health officers, under him shall have
4 the ranks of Commodore, Captain, Commander, Lieutenant Commander, Lieutenant
5 (senior grade), Lieutenant (junior grade). Such quarantine officers shall be
6 commissioned by the President, upon the recommendation of the Director General of
7 the PQA with the approval of the Secretary of Health.

8 **SECTION 5.** *The Director General and Other Officers of PQA.* – The following
9 are the officers of PQA and their qualifications:

10 a. The PQA shall be headed by a Director General, with the rank of
11 Undersecretary, who must be a Doctor of Medicine, preferably with a relevant
12 master's degree in public health. In addition, he or she shall have management
13 experience in his or her field or discipline or profession and in any development,
14 surveillance, or regulatory work as covered in this Act.

15 b. The Director General shall be assisted by two (2) Deputy Director Generals,
16 one for Field Regulatory Operations and another for Administration and
17 Finance.

18 c. The Director General and Deputy Director Generals shall be appointed by
19 the President of the Republic of the Philippines from among the flag officers in
20 the PQA.

21 d. The Deputy Director General for Field Regulatory Operations of the PQA,
22 with the rank of Assistant Secretary, must be a Doctor of Medicine, preferably
23 with a relevant master's degree in public health. In addition, he or she shall
24 have management experience in his or her field or discipline or profession and
25 in any development, surveillance, or regulatory work as covered in this Act.

26 e. The Deputy Director General for Administration and Finance of the PQA, with
27 the rank of Assistant Secretary, shall be a lawyer, certified public accountant or
28 shall possess a master's degree in accounting, management, economics or any

1 business course, and have management experience in a position related to his
2 or her field of discipline or profession.

3 f. Each field operation cluster and finance and administrative cluster shall be
4 headed by a Director who shall be assisted by an assistant director. These
5 directors shall be appointed by the Director General, upon the recommendation
6 of the Deputy Director Generals.

7 g. The existing Directors and Division Chiefs shall be given preference in the
8 appointment as Deputy Director General, provided that if the current officers
9 of the PQA applying for the above positions lack the required third level civil
10 service eligibility, they will have to comply with the said requirement within
11 three (3) years from the appointment, otherwise their appointment shall be
12 revoked immediately;

13 h. The Director General shall control, direct and manage all quarantine stations,
14 grounds, anchorages and designate their boundaries. With the approval of the
15 Secretary of Health, he shall establish such additional quarantine stations,
16 grounds and anchorages. The Director General, in the same manner, may also
17 order the closure of non-functional quarantine stations, grounds and
18 anchorages; and

19 i. The Director General has the authority to appoint personnel from assistant
20 director and below, as deemed necessary, subject to the requirements and
21 guidelines provided by law.

22 **SECTION 6. Jurisdictions of the PQA.** - The following are the jurisdictions of
23 the PQA:

24 a. The examination at points of entry and exit in the Philippines of incoming
25 and outgoing vessels and aircrafts, the necessary surveillance over their
26 sanitary conditions, as well as over their cargoes, passengers, crews, and all
27 personal effects, and the issuance of quarantine certificates, bills of health, or
28 other equivalent documents;

1 b. The examination of interisland ports of entry and exit in the Philippines of
2 incoming and outgoing vessels and aircrafts, their sanitary conditions, and the
3 necessary surveillance on passengers and crew. In the event of quarantine
4 certificates, bills of threat, examination over their cargoes, all personal effects,
5 the issuance of quarantine certificates, bills of health, or other equivalent
6 documents shall be vested in and be conducted by the PQA;

7 c. The PQA shall have jurisdiction over incoming and outgoing vessels and
8 aircrafts, both domestic and foreign, private and government-owned, including
9 those of the armed forces;

10 d. Authority over quarantine stations nationwide;

11 e. The wharfage, seaport, and airport terminals, including the 400-meter
12 controlled perimeter for vector management program;

13 f. Food service establishments, service provider for food and water supplies at
14 seaport and airport terminals and inside perimeter; and

15 g. Authority over designated national quarantine facilities for international
16 travelers.

17 **SECTION 7. Authority to Promulgate and Enforce Rules and Regulations. –**

18 (a) The Director General with the approval of the Secretary of Health, is
19 authorized to promulgate and enforce rules and regulations as in his judgment
20 are necessary to prevent the introduction, transmission or spread of "public
21 health emergencies of international concern" from foreign countries into the
22 Philippines or from one (1) domestic seaport/airport to another.

23 For purposes of implementing these regulations, the Director General may
24 provide intervention strategies such as health education and advisories,
25 inspections, fumigation, disinfection, pest extermination, vaccination for
26 international travel, medical examination of aliens/foreigners for immigration
27 purposes and destruction of animals or articles found to be infected or
28 contaminated as to be sources of infection to human beings in coordination

1 with other concerned quarantine agencies such as veterinary quarantine, plant
2 quarantine, etc. and other measures as in his judgment may be necessary.

3 (b) Regulations prescribed under this section shall provide for the
4 apprehension, detention or surveillance for the purpose of preventing the
5 introduction, transmission or spread of such public health emergencies of
6 international concern as may be specified from time to time in Department
7 Orders by the Secretary of Health upon the recommendation of the
8 international health surveillance.

9 (c) Whenever it is deemed necessary for the protection of the public health of
10 the nation from public health emergencies of international concern,
11 immunization and other preventable measures against these diseases shall be
12 mandatory on all persons arriving at any seaport/airport of entry in the
13 Philippines.

14 (d) The Secretary of Health, upon the recommendation of the Director General,
15 may prescribe examination of any individual believed to be infected with a
16 disease of international concern on board vessels and aircraft entering any
17 seaport or airport in the Philippines. Such rules and regulations may provide
18 that if upon examination, any such individual is found to be infected or has
19 been exposed to infection considered as dangerous contact, he may be isolated
20 aboard a vessel, in a hospital with facilities for infectious diseases, at a
21 quarantine station, or at any isolation facility, and in such a manner as may be
22 proscribed by the said regulations.

23 **SECTION 8. *Prohibition of Entry of Hazardous Cargo and Materials.*** -
24 Whenever the Director General determines that there is an existence of any public
25 health emergency of international concern in a foreign country, and that there is
26 imminent danger of the introduction of hazardous cargoes or materials into the
27 Philippines, he, in coordination with the Bureau of Customs and other concerned
28 agencies, may recommend to the President, through the Secretary of Health, the
29 prohibition of its entry for public health interest.

1 **SECTION 9. *Powers and Functions.*** – The PQA, with the category of a first-
2 class line agency under the Department of Health, shall have the following powers
3 and functions:

4 a. Implement our international commitments in accordance with the
5 International Health Regulations (IHR) of the World Health Organization
6 (WHO);

7 b. Conduct surveillance, apprehension, and detention of any individuals and
8 goods considered as imminent public health threat;

9 c. Uphold preventive care to travelers by formulating policies and guidelines
10 on core components of travel medicine and code of ethical practice of travel
11 medicine in the country;

12 d. Establish and maintain quarantine facilities nationwide with international
13 ports;

14 e. Grant, within its capabilities and consistent with its mandate, request for
15 assistance of other government agencies in the performance of their functions;

16 f. Detain and hold all passengers, vessels, aircrafts, and cargoes found
17 violating quarantine laws of the Philippines; and

18 g. Perform such other functions that may be necessary in the attainment of
19 the objectives of this Act.

20 **SECTION 10. *Quarantine Documentary Requirements and Bills of Health.*** –

21 a. All vessels or aircraft from foreign ports arriving at any port of the Philippines
22 shall be required to submit the required maritime declaration of health and
23 general declaration and other documents as prescribed by the regulations;

24 b. All ocean-going vessels or international aircraft from foreign seaports or
25 airports calling at any seaport or airport in the Philippines to disembark its
26 passengers or discharge its cargo, or for other purposes must secure a

1 quarantine clearance in compliance with the health regulations. This
2 quarantine certificate or clearance (Pratique) shall be a prerequisite to customs
3 clearance;

4 c. After compliance with the quarantine laws and regulations, all vessels or
5 aircraft leaving any seaport or airport of the Philippines shall secure quarantine
6 outgoing clearance. This certificate or clearance shall also be a prerequisite to
7 customs clearance of outgoing vessels and aircraft;

8 d. Subject to quarantine laws and regulations, all vessels or aircraft entering
9 and leaving any domestic seaport or airport of the Philippines shall secure
10 quarantine documents during outbreak or regional public health emergency;

11 e. Subject to quarantine laws and regulations, during outbreak or national
12 public health emergency, for local and international travel, individuals shall
13 secure applicable bills of health;

14 f. All immigrant visa applicants, student visa applicants, pre-arranged
15 employment visa applicants, visa applicants obviously afflicted with Class A
16 condition and tourist visa applicants from selected countries based on WHO
17 Guidelines shall, as a pre-requisite to the issuance of their respective visa by
18 the Bureau of Immigration, secure a Quarantine Clearance from the PQA and
19 no visa shall be issued by the Bureau of Immigration to the aforementioned
20 applicants without the required Quarantine Clearance from the PQA; and

21 g. Such other documents which may be required by WHO and other
22 international and national regulatory bodies relating to the purposes of this
23 Act.

24 **SECTION 11. Penalties. –**

25 a. Penalties for persons violating quarantine laws

26 i. Whoever violates or refuses to comply with the provisions of this Act or
27 whoever enters or departs from the limits of any quarantine stations,
28 grounds or anchorages without prior compliance with the quarantine rules

1 and regulations or without permission from the quarantine officer in
2 charge, shall be punished by a fine of not less than Fifty Thousand Pesos
3 (Php 50,000.00) but not more than One Hundred Thousand Pesos (Php
4 100,000.00), or by imprisonment of not more than one (1) year, or both,
5 at the discretion of the court.

6 ii. If the act or omission penalized by this Act be committed by an
7 association, partnership, corporation or any other institution, its managing
8 head, directors or partners shall be liable to the penalties provided in this
9 Act for the offense.

10 iii. Criminal action arising from a violation of the provisions of this Act may
11 be commenced by the PQA either under this Act, or in appropriate cases,
12 under the Revised Penal Code. Provided, that such criminal action may be
13 filed by the PQA in the city or municipality where the PQA Quarantine
14 Station is located if the violation was committed within its territorial
15 jurisdiction or in Metro Manila, at the option of the PQA.

16 **b. Administrative Penalties**

17 i. The PQA shall, *motu proprio* or upon a complaint or charge by any
18 individual, corporation, association, or organization, against any person,
19 vessel or aircraft or any of its personnel who violated the provisions of
20 this Act, its Implementing Rules and Regulations, terms and conditions,
21 orders, instructions or rules and regulations of PQA, investigate and verify
22 if such person vessel, aircraft or any of its personnel, is guilty of the
23 charges or complaints.

24 ii. Any person who violated or otherwise failed to comply with the terms
25 and conditions, orders, instructions or rules and regulations of the PQA
26 shall be subject to a fine of at least Fifty Thousand Pesos (Php50,000.00)
27 but not exceeding One Hundred Thousand Pesos (Php100,000.00), and
28 the PQA is hereby authorized and empowered to impose such fine, after
29 due notice and hearing.

1 iii. Any vessel or aircraft who violated or otherwise failed to comply with
2 the terms and conditions, orders, instructions or rules and regulations of
3 the PQA shall be subject to a fine of at least Fifty Thousand Pesos (Php
4 50,000.00) but not exceeding One Hundred Thousand Pesos (Php
5 100,000.00), and the PQA is hereby authorized and empowered to impose
6 such fine, after due notice and hearing.

7 iv. The fines so imposed shall be paid to the PQA, and failure to pay the
8 fine in any case within the period specified in the order or decision of the
9 PQA shall be deemed good and sufficient reason for withholding the
10 operation of the vessel or aircraft until payment shall be made. Payment
11 may also be enforced by appropriate action brought in a court of
12 competent jurisdiction. The remedy provided in this section shall not be a
13 bar to, or affect any other remedy provided in this Act but shall be
14 cumulative and additional to such remedy or remedies.

15 v. Implementation of the orders or decisions of the PQA may also be
16 enforced by mandamus or injunction in appropriate cases, or by action to
17 compel the specific performance of the orders or decisions so made, or of
18 the duties imposed by this Act upon such person, vessel or aircraft.

19 **SECTION 12. Fees and Other Incomes –**

20 a. Upon the sole approval of the Secretary of Health, the authorization and
21 other fees shall be reviewed by the PQA every three (3) years.

22 b. There shall be determined and constituted additional fees such as sale of
23 publications and services, assessment fees, fines, penalties, and other fees and
24 charges outside the usual fees such as but not limited to vaccination,
25 laboratory, quarantine permits; to be known as "other related regulatory fees".

26 c. The Director General of the PQA, upon approval of the Secretary of Health,
27 shall be authorized to promulgate rules and regulations governing the collection
28 of the "other related regulatory fees".

1 **SECTION 13. *Authority to Utilize Income.*** - The PQA may be authorized by
2 the President, through the Secretary of Health, to retain and/or use not less than fifty
3 percent (50%) of its income generated subject to accounting and auditing rules and
4 regulations.

5 All such incomes allowed to be retained shall be deposited in an authorized
6 government depository bank as a special regulatory fund. Any interest earned by such
7 fund shall form part of the retained income. Such fund shall be used to augment the
8 MOOE and Capital Outlay requirements for existing items in the PQA's budget.

9 **SECTION 14. *Implementing Rules and Regulations.*** - The PQA shall
10 promulgate the implementing rules and regulations of this Act within sixty (60) days
11 after the enactment of this Act.

12 **SECTION 15. *Appropriations.*** - The amount necessary for the implementation
13 of this Act shall be charged against the current year's appropriations for the Bureau
14 of Quarantine. Thereafter, the amount necessary for the continuous implementation
15 of this Act shall be included in the annual General Appropriations Act (GAA).

16 **SECTION. 16. *Separability Clause.*** - In the event any provision of this Act or
17 the application of such provision to any person or circumstances is declared invalid,
18 the remainder of this Act or the application of said provisions to other persons or
19 circumstances shall not be affected by such declaration.

20 **SECTION 17. *Repealing Clause.*** - This Act explicitly repeals R.A. No. 9271, or
21 the Quarantine Act of 2004. All laws, decrees, executive orders, rules and regulations,
22 memorandum orders, memorandum circulars, administrative orders, ordinances, and
23 other issuances, or any part thereof, which are inconsistent with this Act, are hereby
24 revoked, amended, or modified accordingly.

25 **SECTION 18. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
26 complete publication in the Official Gazette or at least two (2) national newspapers of
27 general circulation.

28 *Approved,*